

## REMARKS

Claims 1 to 191 are pending in the present application.

Claims 1 to 5, 7 to 11, 14 to 24, 26 to 29, 32 to 34, 36 to 40, 41 to 44, 45 to 49, 51 to 55, 58 to 71, 73 to 77, 80 to 91, 93 to 103, 106 to 110, 113 to 118, 120 to 124, 126 to 137, 139 to 150, 152 to 154, 160 to 162, 164 to 170, 172 to 178, 180 to 187, and 189 to 191 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,051,120 issued to Greene et al. ("*Greene*"). Claims 6, 25, 50, 72, and 119 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Greene* in view of U.S. Patent No. 5,960,085 issued to de la Huerga ("*de la Huerga*"). Claims 12, 13, 30, 31, 56, 57, 78, 79, 92, 104, 105, 111, 112, 125, 138, 151, 155 to 159, 163, 171, 179, and 188 have been rejected under 35 U.S.C. 103(a) as being unpatentable over *Greene* in view of *de la Huerga* and further in view of U.S. Patent Publication No. 2001/0049608 A1 to Hochman ("*Hochman*"). The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing.

### Rejection of Claims under 35 U.S.C. § 102(e)

Claims 1 to 5, 7 to 11, 14 to 24, 26 to 29, 32 to 34, 36 to 40, 41 to 44, 45 to 49, 51 to 55, 58 to 71, 73 to 77, 80 to 91, 93 to 103, 106 to 110, 113 to 118, 120 to 124, 126 to 137, 139 to 150, 152 to 154, 160 to 162, 164 to 170, 172 to 178, 180 to 187, and 189 to 191 have been rejected under 35 U.S.C. § 102(e) as being anticipated by *Greene*. Applicants traverse this rejection.

*Greene* qualifies as prior art only under 35 U.S.C. § 102(e). As such, *Greene* can be sworn behind under 37 C.F.R. § 1.131. Applicants do not believe that *Greene* anticipates the rejected claims, however, Applicants hereby submit two Affidavits under 37 C.F.R. § 1.131 to establish invention of the subject matter of the rejected claims before the effective date of *Greene*. The effective date of *Greene* is December 28, 2001. The Affidavits of inventors Tuan Bui and James Martucci establish invention of the subject matter of the rejected claims at least as early as November 30, 2001, which is before the effective date of *Greene*.

In addition, Applicants exercised reasonable due diligence from before the effective date of *Greene* to the filing of the present application. The present application was filed on January 29, 2002, less than one month after the effective date of *Greene*. The Affidavits of inventors Tuan Bui and James Martucci each show that they met with their attorneys to discuss the preparation and the subject matter of the present application on December 14, 2001, before the

effective date of *Greene*. The Affidavits also show that inventors Tuan Bui and James Martucci each received a draft of the present application from their attorneys on or about January 3, 2001. The Affidavit of inventor James Martucci shows that he reviewed the draft patent application and provided his attorneys with his comments regarding the draft patent application on January 14, 2001. The Affidavit of inventor Tuan Bui shows that he was copied on the January 14, 2001 correspondence from inventor James Martucci regarding the draft patent application. After receiving inventor James Martucci's comments on January 14, 2001, Applicants' attorneys filed the present application shortly thereafter on January 29, 2002. As such, Applicants exercised reasonable due diligence from before the effective date of *Greene* to the filing of the present application.

Applicants have established invention of the subject matter of rejected claims 1 to 5, 7 to 11, 14 to 24, 26 to 29, 32 to 34, 36 to 40, 41 to 44, 45 to 49, 51 to 55, 58 to 71, 73 to 77, 80 to 91, 93 to 103, 106 to 110, 113 to 118, 120 to 124, 126 to 137, 139 to 150, 152 to 154, 160 to 162, 164 to 170, 172 to 178, 180 to 187, and 189 to 191 before the effective date of *Greene*, and Applicants respectfully request that the rejection under 35 U.S.C. § 102(e) be withdrawn.

First Rejection of Claims under 35 U.S.C. § 103(a)

Claims 6, 25, 50, 72, and 119 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Greene* in view of *de la Huerga*. Applicants traverse this rejection.

Applicants do not believe that the rejected claims are obvious in view of the combination of *Greene* and *de la Huerga*. As discussed above, however, Applicants hereby submit the Affidavits of inventors Tuan Bui and James Martucci which establish invention of the subject matter of the rejected claims before the effective date of *Greene* coupled with reasonable due diligence to the filing of the present application.

Because *de la Huerga* alone does not teach or suggest the subject matter of the rejected claims, Applicants respectfully request that the rejection of claims 6, 25, 50, 72, and 119 under 35 U.S.C. § 103(a) be withdrawn.

Second Rejection of Claims under 35 U.S.C. § 103(a)

Claims 12, 13, 30, 31, 56, 57, 78, 79, 92, 104, 105, 111, 112, 125, 138, 151, 155 to 159, 163, 171, 179, and 188 have been rejected under 35 U.S.C. 103(a) as being unpatentable over *Greene* in view of *de la Huerga* and further in view of *Hochman*. Applicants traverse this rejection.

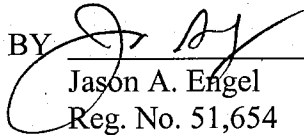
Applicants do not believe that the rejected claims are obvious in view of the combination of *Greene*, *de la Huerga*, and *Hochman*. As discussed above, however, Applicants hereby submit the Affidavits of inventors Tuan Bui and James Martucci which establish invention of the subject matter of the rejected claims before the effective date of *Greene* coupled with reasonable due diligence to the filing of the present application.

Because *de la Huerga* and *Hochman* do not teach or suggest the subject matter of the rejected claims, Applicants respectfully request that the rejection of claims 12, 13, 30, 31, 56, 57, 78, 79, 92, 104, 105, 111, 112, 125, 138, 151, 155 to 159, 163, 171, 179, and 188 under 35 U.S.C. § 103(a) be withdrawn.

Applicants respectfully submit that this case should be in condition for allowance. Examiner is invited to contact the undersigned Attorney for the Applicants via telephone if such communication would expedite the allowance of this application. Again, the Commissioner is hereby authorized to charge Deposit Account No. 02-1818 for any fees which are due and owing.

Respectfully submitted,

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